



Teresa J. Nelson
Legal Director
tnelson@aclu-mn.org
Office: 651.529.1692

October 20, 2020

Via CM-ECF

The Honorable Wilhelmina M. Wright
United States District Court for the District of Minnesota
334 Federal Building
316 N. Robert Street
Saint Paul, Minnesota 55101

Re: *Berry et al. v. Hennepin County et al.*
Court File No. 0:20-cv-02189-WMW-KMM

Dear Judge Wright:

Plaintiffs write to memorialize their request for additional time for oral argument during the October 22, 2020 hearing on Plaintiffs' Motion for Temporary Restraining Order (TRO). ECF Doc. No. 4. Per the Court's Practice Pointers, it is counsel's understanding that each side is generally permitted fifteen minutes, with the moving party permitted an additional five minutes for rebuttal. Plaintiffs respectfully request that each side be permitted **thirty minutes** (30) for oral argument, with Plaintiffs allotted an additional **ten minutes** (10) for rebuttal.

Plaintiffs believe additional time will aid the Court in its resolution of the issue before it: whether to issue a TRO. First, fundamental constitutional issues are at stake in the litigation, and, at base, the Court's decision on the TRO will determine whether Plaintiffs still have a place to live by the end of the week. Second, the number of claims in this suit, and the even greater number of factors Plaintiffs must address to meet their burden under the *Dataphase* standard for injunctive relief, supports providing the parties with additional time. Given the gravity of the situation, additional time to fully address the issues and any questions the Court may have, is appropriate. Third, the number of plaintiffs and defendants here supports providing the parties with additional argument time. The individual plaintiffs, for example, suffered materially different injuries than the organizational plaintiff, ZACAH; additional time would allow Plaintiffs' counsel to clarify for the Court the different parties represented in the litigation and their various interests, without taking away time from the substance of the argument. Fourth, as the hearing will be conducted telephonically, additional time will allow for a clearer record as counsel will be less likely to rush through their arguments.

Sincerely,

/s/ Teresa J. Nelson

Teresa J. Nelson

cc: All counsel of record via CM-ECF